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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,069

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Sun Chao Hui

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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/529,069	Applicant(s) HUI, SUN CHAO	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/9/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claims 1-8 are objected to because of the following informalities:

In claim 1:

Line 23, "effect" should be --affect--.

In claim 6:

Line 13, "payed" should be --paid--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Decarolis et al., U.S. Patent No. 5820057.

Regarding claims 1, 4 and 6, Decarolis '057 discloses a measuring tape (i.e., which means it has some sort of measuring indicia imprinted on the blade) comprising: a housing 10 having an exterior surface and at least two spaced apart 10a, 10b inwardly facing side wall surfaces 12, 12 defining a hollow interior of said housing, see figure 3; an elongate flexible blade 52 having a free end 54 and a terminal end (no reference number assigned), the free end adapted to extend out of said housing, see figure 1; a spool 50 mounted for rotation about a first axis (no reference number assigned) within

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the hollow interior of said housing, the terminal end of said blade being secured to said spool to enable said blade to be helically stored thereon, see column 1, lines 58-61, and column 3, lines 5-20, and see figure 6; a first sheave 66 mounted coaxially of the first axis to affect rotation of said spool about the first axis, see figure 2; a spiral spring assembly 80 (e.g. spring) mounted about a second axis (no reference number assigned) within the hollow interior of said housing spaced from and generally parallel with the first axis of said spool, see figure 2; a second sheave 86 mounted coaxially of the second axis to affect rotation of said spring assembly 80; and means for transmitting rotation movement 102 of said first sheave 66 to said second sheave 84, see figures 1-4.

Regarding claims 2-3, Decarolis '057 shows the side walls 12 of said housing 10 are generally planar and substantially flat, see figure 3.

Regarding claim 8, Decarolis '057 shows the free end 54 of said elongate blade 52 includes a bracket 56 to prevent the passage of the free end into the housing 10, see figure 1 and column 3, lines 5-14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Decarolis et al., U.S. Patent No. 5820057, in view of Caldwell, U.S. Patent No. 4551847.

Decarolis '057 uses a gear 102 for transmitting rotation of said first sheave to said second sheave rather than a flexible belt.

Caldwell '847 teaches the concept of using a flexible belt 38 to drive the spool and the spring assembly, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gear of Decarolis '057 with a flexible belt drive as taught by Caldwell '847, to precisely control the drive between the spool and the spring assembly.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Decarolis et al., U.S. Patent No. 5820057, in view of Lin, U.S. Patent No. 6182916 B1.

Decarolis '057 teaches the concept of facilitate gripping by providing recess to the housing, see column 2, lines 29-34.

Lin '916 shows an elastic protective layer 20 secured to the exterior surface of the housing, see figure 4, and column 2, lines 45-49.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the housing of Decarolis '057 with an elastic protective layer pad as taught by Lin '916, to protect the measuring tape dispenser and prevent the measuring tape dispenser from slipping.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record, especially U.S. Patent No. 6382547, 7024790, 7003895, 6158139, 6715214, and 5471761, shows the measuring tape dispenser features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

4/18/07

A handwritten signature in black ink, appearing to be "Sang Kim", is located at the bottom right of the page.